

5

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

TRANSMITTAL LETTER TO:

U.S. District Court Eastern District of Michigan  
**ATTN: Clerks Office**  
Theodore Levin U.S. Courthouse  
231 W. Lafayette Blvd.  
Detroit, MI 48226

DATE: *May 7, 2012*  
U.S.A. v. *Roseanne Balagot*

CASE NO.: *12-22975AG*  
YOUR DOCKET NO.: *2:12-MJ-30200*

Enclosed herein please find certified copies of the following:

- ☐ Warrant of Arrest (Copy)
- ☐ Complaint/Indictment/Information
- ☒ Financial Affidavit
- ☐ Contribution Order
- ☒ Order appointing the Federal Public Defender
- ☐ CJA 20 Voucher – Appointment of counsel under CJA
- ☐ Appearance Bond
- ☐ Order Setting Conditions of release
- ☐ Appearance Line of Counsel
- ☒ Waiver of Preliminary Hearing
- ☒ Waiver of Identify/Removal Hearing
- ☐ Temporary Detention Order
- ☒ Detention Order
- ☒ Commitment to Another District
- ☐ Docket Sheet for this District
- ☐ Order re: Medical Evaluation and Appropriate Treatment of Detainee
- ☒ Other: Minute Entries

**FILED**  
**MAY 10 2012**  
CLERK'S OFFICE-DETROIT-PSG  
U.S. DISTRICT COURT

Please acknowledge receipt of the above documents on the enclosed copy of this transmittal letter and return same to this office. Thank you.

Return to:  
Clerk, U. S. District Court  
101 West Lombard Street, Room 4415  
Baltimore, MD 21201-2675

By: \_\_\_\_\_

Deputy Clerk

MD 6/09) Commitment to Another District

# UNITED STATES DISTRICT COURT

for the

District of Maryland

2012 MAY -4 P 4:18

United States of America  
v.

ROSEANNE BALAGOT  
*Defendant*

Case No. 12-2297SAG

Charging District's  
Case No. 2:12-MJ-30200

## COMMITMENT TO ANOTHER DISTRICT

The defendant has been ordered to appear in the Eastern District of Michigan.

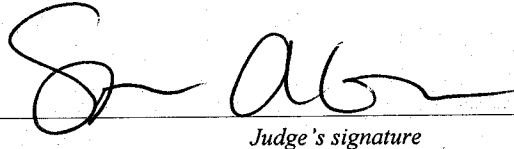
The defendant may need an interpreter for this language: \_\_\_\_\_.

The defendant: ☐ will retain an attorney.  
☒ is requesting court-appointed counsel.

The defendant remains in custody after the initial appearance.

**IT IS ORDERED:** The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

Date: May 4, 2012



*Judge's signature*

Stephanie A. Gallagher, United States Magistrate Judge

*Printed name and title*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

vs.

ROSEANNE BALAGOT


Case No. 12-2297SAG

\*\*\*\*\*

**ORDER OF DETENTION BY AGREEMENT**

A hearing, having been held on this date, at which the defendant was represented by  
Scott Carter-Eldred, AFD, and the Government was represented by  
Assistant United States Attorney Judson Mihok, it is

**ORDERED**, this 4<sup>th</sup> day of May 2012, that the  
above-named defendant be, and the same hereby is, DETAINED by agreement of the parties  
without prejudice to either side requesting a prompt hearing to set appropriate conditions of  
release or otherwise address the detention of the defendant.

  
Stephanie A. Gallagher  
United States Magistrate Judge

## UNITED STATES DISTRICT COURT

for the  
District of Maryland

United States of America

v.

ROSEANNE BALAGOT

Defendant

Case No. 12-2297SAG

Charging District's Case No. 2:12-MJ-30200

WAIVER OF RULE 5 & 5.1 HEARINGS  
(Complaint or Indictment)I understand that I have been charged in another district, the *(name of other court)* Eastern District of Michigan

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing within 14 days of my first appearance if I am in custody and 21 days otherwise — unless I am indicted — to determine whether there is probable cause to believe that an offense has been committed;
- (5) a hearing on any motion by the government for detention;
- (6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- ☒ an identity hearing and production of the warrant.
- ☒ a preliminary hearing. ~~in this district~~
- ☒ a detention hearing.
- ☒ an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: May 4, 2012

Defendant's signature



Signature of defendant's attorney

Scott Carter-Eldred

Printed name of defendant's attorney

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

ROSEANNE BALAGOT

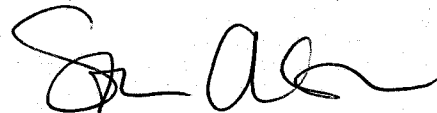
Case No. 12-2297SAG

\*  
\*  
\*  
\*\*\*\*\*

**ORDER APPOINTING FEDERAL PUBLIC DEFENDER**

The above named Defendant having been found to be indigent and entitled to appointment of counsel under the Criminal Justice Act, and the government having proffered that they know of no conflict precluding appointment of the Public Defender,

IT IS ORDERED this 4<sup>th</sup> day of May, 2012, that the Federal Public Defender for the District of Maryland is appointed to represent the above named Defendant.



Stephanie A. Gallagher  
United States Magistrate Judge

## FINANCIAL AFFIDAVIT

IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT, OR OTHER SERVICES WITHOUT PAYMENT OF FEE

IN THE UNITED STATES ☐ DISTRICT COURT ☐ COURT OF APPEALS ☐ OTHER (Specify below)  
IN THE CASE OF

FOR

AT

LOCATION NUMBER

PERSON REPRESENTED (Show your full name)

Roseanne Balagot

- 1 ☒ Defendant - Adult  
 2 ☐ Defendant - Juvenile  
 3 ☐ Appellant  
 4 ☐ Probation Violator  
 5 ☐ Supervised Release Violator  
 5 ☐ Habeas Petitioner  
 7 ☐ 2255 Petitioner  
 8 ☐ Material Witness  
 9 ☐ Other (Specify)

DOCKET NUMBERS

Magistrate Judge

12-22975A 6

District Court

Court of Appeals

CHARGE/OFFENSE (describe if applicable &amp; check box →)

☒ Felony☐ Misdemeanor

Coercion &amp; Enticement

## ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY

INCOME & ASSETS	EMPLOYMENT	Are you now employed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Self-Employed	
		Name and address of employer: Middle River Aircraft	
		IF YES, how much do you earn per month? \$ 2,000	IF NO, give month and year of last employment? _____ How much did you earn per month? \$ _____
		If married, is your spouse employed? <input type="checkbox"/> Yes <input type="checkbox"/> No	
OTHER INCOME	If you are a minor under age 21, what is the approximate monthly income of your parent(s) or guardian(s)? \$ _____		
	Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirement or annuity payments, or other sources? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
	IF YES, give the amount received and identify the sources	RECEIVED	SOURCES
CASH	Do you have any cash on hand or money in savings or checking accounts? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No IF YES, total amount? \$ 2,500		
PROPERTY	Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? <input type="checkbox"/> Yes <input type="checkbox"/> No		
	IF YES, give value and description for each	VALUE	DESCRIPTION
OBLIGATIONS & DEBTS	DEPENDENTS	MARITAL STATUS <input checked="" type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Widowed <input type="checkbox"/> Separated or Divorced	
		Total No. of Dependents	0
		List persons you actually support and your relationship to them	
	DEBTS & MONTHLY BILLS (Rent, utilities, loans, charge accounts, etc.)	DESCRIPTION	TOTAL DEBT
	Rent	\$	\$ 640
	Groceries / Food	\$	\$ 250
	car payment	\$	\$ 225
	credit card	\$ 200	\$ 100

I certify under penalty of perjury that the foregoing is true and correct.

R Balagot

SIGNATURE OF DEFENDANT  
(OR PERSON REPRESENTED)

5/4/12

Date

## MAGISTRATE JUDGE CRIMINAL MINUTES

DATE: May 4, 2012 JUDGE: Stephanie A. Gallagher COURTROOM: 7C  
TIME: 3:58-4:11 INTERPRETER: \_\_\_\_\_  
AUSA: Judson Mihok DFDT ATTORNEY: Scott Carter-Eldred  
UNITED STATES OF AMERICA v. ROSEANNE BALAGOT  
CASE NO. 12-2297SAG NO. OF COUNTS: \_\_\_\_\_  
DFDT'S AGE: \_\_\_\_\_ YEAR OF BIRTH: \_\_\_\_\_

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Initial Appearance   | <input type="checkbox"/> Defendant to Retain Counsel |
| <input type="checkbox"/> Arraignment                     | <input type="checkbox"/> Violation Notice            |
| <input checked="" type="checkbox"/> Rule 5(c)(3) Hearing | <input type="checkbox"/> Indictment                  |
| <input type="checkbox"/> Sentencing                      | <input type="checkbox"/> Superseding Indictment      |
| <input type="checkbox"/> Bail Review/Revocation Hearing  | <input type="checkbox"/> Information                 |
| <input type="checkbox"/> Violation of Probation          | <input type="checkbox"/> Complaint                   |
| <input type="checkbox"/> Violation of Supervised Release | <input type="checkbox"/> Preliminary Hearing: _____  |
| <input type="checkbox"/> Detention Hearing               | <input type="checkbox"/> Preliminary Hearing WAIVED  |

Defendant arraigned and plead "NOT GUILTY" as to Count(s) \_\_\_\_\_

- ☒ Defendant advised of rights to silence and counsel  
☐ Defendant temporarily detained pending detention hearing on \_\_\_\_ / \_\_\_\_ / \_\_\_\_ @ \_\_\_\_  
☒ Defendant detained by agreement  
☐ Defendant ordered detained after detention hearing  
☒ ~~FPD~~ / CJA appointed as counsel  
☒ Waiver of Rule 5(c)(3) Hearings  
☒ Commitment To Another District  
☐ Order Setting Conditions of Release w/conditions  
☐ Medical Order for Treatment of Detainee entered  
☐ Counsel advised to call or go to chambers for dates / given dates in court

Remarks \_\_\_\_\_

\_\_\_\_ Days for Motions. Motions to be filed by \_\_\_\_\_

- ☐ Trial -Bench/Jury \_\_\_\_\_ day(s) / week(s). Trial week of \_\_\_\_\_  
☒ ~~Pre-trial~~ Probation Officer Nikki Martin  
☐ Temporary Order of Detention to U.S. Marshal  
☒ Minute entries docketed. Deputy Clerk: S. Davis



15:22

FBI TROY, MI

248 828 7599

P.001

(Rev. 01/09) Arrest Warrant

AUSA Sara Woodward, 313-226-9100  
Dywanis Capote, Clerk J. Balmerman, 248-579-6090

## UNITED STATES DISTRICT COURT

for the  
Eastern District of Michigan

United States of America

v.

Roseanne Balagot

Case:2:12-mj-30200

Judge: Unassigned.

Filed: 04-02-2012 At 11:17 AM

SEALED MATTER (SRJ)

## ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States Magistrate Judge without unnecessary delay  
(name of person to be arrested) Roseanne Balagot

who is accused of an offense or violation based on the following document filed with the court:

- ☐ Indictment    ☐ Superseding Indictment    ☐ Information    ☐ Superseding Information    ☒ Complaint  
☐ Probation Violation Petition    ☐ Supervised Release Violation Petition    ☐ Violation Notice    ☐ Order of the Court

This offense is briefly described as follows:

Between November 24, 2011, through November 27, 2011, in and effecting the Eastern District of Michigan, Roseanne Balagot, knowingly used a facility or means of interstate or foreign commerce, to wit: the Internet to knowingly persuade, induce, entice, or coerce any individual who has not attained the age of 18 years to engage in any sexual activity for which any person can be charged with a criminal offense, or attempted to do so, all in violation of Title 18, United States Code, Section 2422(b).

Date: April 2, 2012

MONA K. MAJZOUB

Issuing officer's signature

City and state: Detroit, Michigan

Mona K. Majzoub, United States Magistrate Judge

Printed name and title

## Return

This warrant was received on (date) \_\_\_\_\_, and the person was arrested on (date) \_\_\_\_\_  
at (city and state) \_\_\_\_\_

Date: \_\_\_\_\_

Arresting officer's signature

Printed name and title

Nonreturnable Original Copy - 1 copy with signature - 2 copies USA



(Rev. 08/09) Criminal Complaint

AUSA Sara Woodward, 313-226-9100  
Special Agent Brett Leatherman, 248-879-6090

# UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Roseanne Balagot

Case:2:12-mj-30200

Judge: Unassigned,

Filed: 04-02-2012 At 11:17 AM

SEALED MATTER (SRJ)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 11/24/2011 through 11/27/2011 in the county of Oakland in the  
Eastern District of Michigan, the defendant(s) violated:

### Code Section

Title 18, United State Code, Section 2422(b)

### Offense Description

Coercion and enticement.

I hereby certify that the foregoing is  
a true copy of the original on file in this  
Office.  
CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

BY: 

Deputy

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: April 2, 2012

City and state: Detroit, Michigan

Complainant's signature

Brett Leatherman, FBI Special Agent

Printed name and title

**MONA K. MAJZOUB**

Judge's signature

Mona K. Majzoub, United States Magistrate Judge

Printed name and title

**AFFIDAVIT**

I, Brett E. Leatherman, being duly sworn, depose and state as follows:

1. Your affiant is a Special Agent of the Federal Bureau of Investigation (FBI) and has been so employed since May 2003. Your affiant is currently assigned to the Detroit Division of the FBI, Oakland County Resident Agency (OCRA), located in Troy, Michigan. Your affiant's duties include the investigation of various violations of Federal criminal law, including matters involving the exploitation of minors.
2. The statements in this affidavit are based in part on information provided by other Special Agents of the FBI, other law enforcement officers, my investigation of this matter, and my experience and training as a Special Agent of the FBI. I have not included each and every fact known to me concerning this investigation. I have set forth the facts that I believe necessary to establish probable cause to believe that Roseanne Balagot used a facility or means of foreign commerce, including a computer, to knowingly entice or persuade a minor to engage in illegal sexual activity in violation of Title 18, United States Code, Section 2422(b).

**DETAILS OF INVESTIGATION**

3. On January 11, 2012, the mother and father of a fifteen (15) year-old female (hereinafter Victim 1) made a complaint with the Oakland County Sheriffs Office (OCSO). The mother and father reported that over the Thanksgiving weekend, 2011, the mother dropped Victim 1 off at a friend's house for the weekend. After the first of the year a rumor went around Victim 1's school that on that weekend Victim 1 had met up with a twenty one (21) year-old female that she had encountered on the Internet, and that Victim 1 and the adult female went to a hotel in Oakland County, Michigan for the weekend. Victim 1's mother went on Victim 1's Facebook account, and based on Facebook posts and pictures between Victim 1 and a Facebook user

with the name "Ross Balagot," determined that this activity likely occurred. As such, the mother confronted Victim 1, who admitted to the meeting and that sexual activity occurred over the course of the weekend.

4. On February 21, 2012, an Oakland County Sheriff's deputy conducted an interview of Victim 1. During the interview, Victim 1 told the deputy that she had first come into contact with Roseanne Balagot via a game application on her iPod touch. In that game application, Victim 1 could adopt digital animals and talk with other users. Victim 1 began to talk to a person identified as "Jason," who described himself as an eighteen (18) year-old male. Victim 1 was twelve (12) years of age at the time, but claimed to be sixteen (16). Throughout several years, Victim 1 developed a relationship with, "Jason," and they regularly communicated with each other by using their cell phones (text messages and phone conversations), as well as by using their computers to communicate via internet-based programs Skype and Facebook. During this time, Victim 1 believed Jason to be a male. Later in the relationship, prior to meeting in person, "Jason" found out through Facebook that Victim 1 was in fact fourteen (14) years of age. Despite this, the two continued to develop a relationship. In September 2011, Victim 1 learned from Facebook that "Jason" was actually a female named "Ross Balagot," and when confronted, Balagot initially denied this but eventually admitted it. The relationship continued to develop and a plan was established to meet over the Thanksgiving weekend in 2011.
5. During her interview, Victim 1 stated further that on November 24, 2011, Victim 1's mother dropped her off at a friend's house. After being dropped off, Victim 1 was picked up by Balagot, who had flown into Detroit, Michigan from Maryland. On that date, Balagot and Victim 1 saw the movie *Happy Feet 2*. A copy of the ticket stub to this movie was recovered by the OCSO. Later that day, the two traveled to Auburn Hills, Michigan, where Balagot had rented a hotel room. Victim 1 spent the night in the hotel with Balagot. While there, the two

slept in the same bed, kissed each other, and Balagot touched Victim 1 on the breasts and on the genital area, which included digital penetration. Balagot also performed oral sex on Victim 1, which Victim 1 did not like so Balagot stopped.

6. Victim 1 told the Oakland County Sheriff's deputy that the next day, November 25, 2012, Balagot dropped Victim 1 off at her home and they agreed to meet that evening. Later in the day, Balagot picked Victim 1 up from an ice arena in Oakland County and they went to see the movie *Breaking Dawn*. A copy of the ticket stub to this movie was recovered by the OCSO. The two then spent the evening in the same hotel room as the night before, where similar sexual activity occurred between the two.
7. Victim 1 further stated that on November 26, 2011, Balagot and Victim 1 spent the day together and ate at the Rainforest Café. The OCSO recovered a receipt from this meal. Victim 1 gave law enforcement access to her facebook profile, and officers were able to view a picture that Balagot posted on her Facebook page showing Balagot and Victim 1 together at the Rainforest café with the caption: "Last dinner together at Rainforest Café."
8. Victim 1 stated that on November 26, 2011, Victim 1 took Balagot to a place where Victim 1 volunteers her time on a regular basis. On Balagot's Facebook page, law enforcement viewed a photograph of the Balagot and Victim 1 together at this location, with the caption: "At her work." On the evening of November 26, 2011, Balagot took Victim 1 back to the hotel where they spent a third night together, and during which sexual activity occurred between the two.
9. Victim 1 stated that the next day, on November 27, 2011, Balagot and Victim 1 showered together in the morning, and Balagot later dropped Victim 1 off at her home.
10. During the weekend together, Balagot and Victim 1 went shopping at Great Lakes Crossings mall and Somerset Mall, both located in Oakland County, Michigan. The mother and father of Victim 1 turned items over to the OCSO which were purchased by Balagot, which included:

- 15:23 FBI TROY MI 248 828 7599 P.006
- a. A stuffed penguin toy created at the store Build-A-Bear, along with a "Birth Certificate" showing its name as "Erik," and that it was made November 27, 2011 for Victim 1. This animal had a recorded message on it professing love for Victim 1, which Victim 1 identified as Balagot's voice. A photograph of Balagot and Victim 1 was posted to Balagot's Facebook page showing the two holding the penguin, which was captioned, "Building Erik at build a bear before I leave her."
  - b. A receipt from the store Things Remembered dated November 25, 2011, which showed that Victim 1 purchased a two (2) piece engraved puzzle pendent set . OCSO identified a picture on Balagot's Facebook profile, posted November 29, 2011, showing Balagot and Victim 1 together showing a pendent that matched the description of this purchase.
11. During the interview with the OCSO, Victim 1 was shown photographs from the Facebook profile of Ross Balagot, and confirmed this to be Roseanne Balagot.
  12. With Victim 1 and her parents' consent, a detective with the OCSO reviewed Facebook correspondence between Balagot and Victim 1. In the correspondence the two referenced Victim 1's age. In one post, Balagot stated, "your only 15 that's why im the one who need to understand you the most," and, "I love you so much...I know our age difference. I never dating this young and im in love with you."
  13. A detective with the OCSO reviewed Victim 1's cellular telephone and identified correspondence between Balagot and Victim 1. One message stated, "I'm 21...I should know better but I'm the one who act more immaturity." On November 28, 2011, messages sent by Balagot to Victim 1 as Balagot was leaving stated, "I miss eating you down there, the taste of your lips, and just every part of your body I miss it so bad. I miss your giggle when I tickle you in bed. But I promise I will come back and see you again."

14. On January 18, 2012, the OCSO served a search warrant on Expedia.com. Expedia returned itinerary information for Roseanne Balagot showing tickets purchased on November 8, 2011. The purchaser information included a telephone number and e-mail address associated with Balagot on her Facebook profile. The address matched the residential address for Balagot in the state of Maryland. These tickets were for an upcoming trip Balagot planned to take from Detroit, Michigan to Chicago, Illinois with Victim 1.
15. On January 19, 2012, the OCSO served a search warrant on the hotel in which Balagot and Victim 1 stayed in Auburn Hills, Michigan. The hotel confirmed that Balagot rented a room on November 24, 25, and 26, 2012. Balagot provided the hotel with a home address of 422 Kosoak Road, Middle River, Maryland 21220. Balagot also provided Expedia.com with the same address when she made her travel reservations. This address was also stored in the notes section of Victim 1's cellular telephone.
16. A search warrant was served by the OCSO on a cell phone number associated with Balagot. The cell phone provided included cell tower location information, which showed that Balagot's cellular telephone connected to a tower in the Auburn Hills, Michigan area between November 24 to November 27, 2011.
17. Based upon the facts above, there is probable cause to believe that Roseanne Balagot has violated federal child exploitation laws, including 18 U.S.C. § 2422(b), by using a facility of interstate or foreign commerce to induce, entice, or persuade Victim 1, a 15-year-old, to engage in sexual activity for which Balagot can be charged with a criminal offense. Based on Victim 1's statements to law enforcement, I believe that Roseanne Balagot committed the state crime of criminal sexual conduct in the third degree, in violation of Mich. Comp. Laws 750.520d, a crime punishable by up to 15 years in prison. Criminal sexual conduct in the third degree occurs when a "person engages in sexual penetration with another person" who is "at

least 13 years of age and under 16 years of age." Michigan law defines "sexual penetration" to include "cunnilingus . . . or any other intrusion, however slight, or any part of a person's body or of any object into the genital or anal openings of another person's body." Mich. Comp. Laws 750.520a(r).

#### **CONCLUSION**

18. Based on the facts related in this affidavit, probable cause exists to believe that Roxanne Balagot, enticed, or attempted to entice, a minor in interstate or foreign commerce, in violation of Title 18, United States Code (USC), Section 2422(b).

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Brett E. Leatherman  
Special Agent  
Federal Bureau of Investigation

Subscribed and sworn to me this 2<sup>nd</sup> day of April, 2012.

**MONA K. MAJZOUN**

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Mona K. Majzoub  
United States Magistrate Judge